

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VICTORIA ANDERSON, an individual,

Plaintiff,

v.

LOUIS DEJOY, in his capacity as the
Postmaster General of the United States Postal
Service, Defendant.

Defendant.

NO. 2:22-cv-01394-JHC

STIPULATION FOR LEAVE TO
AMEND PLAINTIFF'S COMPLAINT
AND ORDER

I. INTRODUCTION

Pursuant to Fed. R. Civ. P. 15(2) and LCR 15, the parties, by and through their respective counsel of record, hereby stipulate to leave to amend the Plaintiff's complaint in the above-captioned case to subtract and supplement facts. In support of this Motion, Plaintiff submits a proposed Amended Complaint, attached as Exhibit A to this Motion. Plaintiff further requests the Court issue an Order stating that the Amended Complaint relate back to the Complaint's original filing date of September 29, 2022.

STIPULATION FOR LEAVE TO AMEND PLAINTIFF'S
COMPLAINT - 1

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II. BACKGROUND

Plaintiff filed this lawsuit on September 29th, 2022 and subsequently served the Summons and Complaint on Defendants. Subsequently, it came to the attention of the Plaintiff and Defendants that some of Plaintiff's facts were time-barred and that the United States Postal Service was not a proper party to this action pursuant to 42 U.S.C. § 2000e-16(c); 29 U.S.C. § 701, *et seq.* The parties stipulated and agreed to extend Defendant's deadline to respond to the Complaint by one week, to January 30, 2023. The parties now stipulate and agree to amend Plaintiff's Complaint.

III. ARGUMENT

Fed. R. Civ. P 15(a)(2) allows for the amendment of pleadings with leave of the court, or with opposing counsel's written consent, before trial. The Rule further provides that "the court should freely give leave when justice so requires." *Id.*

The Ninth Circuit has instructed that the Fed. R. Civ. P 15(a)(2) "should be interpreted with 'extreme liberality,'" *Jackson v. Bank of Hawaii*, 902 F.2d 1385, 1387 (9th Cir. 1990) (quoting *United States v. Webb*, 655 F.2d 977, 979 (9th Cir. 1981)), and "[a]n outright refusal to grant leave to amend without a justifying reason is ... an abuse of discretion." *Smith v. Constellation Brands, Inc.*, 2018 WL 991450, at *2 (9th Cir. Feb. 21, 2018) (quoting *Leadsinger, Inc. v. BMG Music Publ'g*, 512 F.3d 522, 532 (9th Cir. 2008)). A district court only has discretion to deny leave to amend "due to ... repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance

of the amendment, [and] futility of amendment.” *Id.* at *2 (quoting *Zucco Partners, LLC v. Digimarc Corp.*, 52 F.3d 981, 1007 (9th Cir. 2009) and *Leadsinger, Inc.*, 512 F.3d at 532).

An amendment to a pleading relates back to the date of the original pleading when the amendment changes the party against whom a claim is asserted if the amendment asserts a claim that arose out of the conduct, transaction, or occurrence set out (or attempted to be set out) in the original pleading. Fed. R. Civ. P. 15(c)(1)(B).

DATED this 26th day of January, 2023.

s/Sumeer Singla

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STIPULATION FOR LEAVE TO AMEND PLAINTIFF'S
COMPLAINT - 3

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ORDER

IT IS SO ORDERED.

DATED this 26th day of January, 2023.



JOHN H. CHUN
United States District Judge

STIPULATION FOR LEAVE TO AMEND PLAINTIFF'S
COMPLAINT - 4

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